

MAY 24 2007

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JOHN F. CORCORAN, CLERK
BY: *J. Brugh*
DEPUTY CLERK

W. DAVID PAXTON,

Plaintiff,

v.

ANTHEM HEALTH PLANS OF
VIRGINIA, INC.,
t/a ANTHEM BLUE CROSS AND
BLUE SHIELD,

Defendant.

)
) Civil Action No. 7:06-CV-00152
)
)

) **ORDER**
)
)

) By: Hon. James C. Turk
) Senior United States District Judge
)

In accordance with the Memorandum Opinion entered this day in the above captioned matter, Defendant's Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure is **DENIED** with respect to Count I of the Complaint, and **GRANTED** with respect to Counts II and III of the Complaint.

The Clerk of Court is directed to send certified copies of this Order to all counsel of record.

ENTER: This 24th day of May, 2007.

James C. Turk

SENIOR UNITED STATES DISTRICT JUDGE